



# DEPARTMENT of the INTERIOR

## news release

FISH AND WILDLIFE SERVICE

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FEDERAL COURT RULING PROHIBITS WATERFOWL  
HUNTING IN PORTIONS OF FIVE STATES  
UNLESS STATES REQUIRE NONTOXIC SHOT

A U.S. District Court judge has issued a preliminary injunction enjoining the U.S. Fish and Wildlife Service from allowing waterfowl hunting this fall in 22 counties of five States unless those States agree to require hunters to use nontoxic shot.

The ruling came in response to a lawsuit filed by the National Wildlife Federation against the Fish and Wildlife Service and the Department of the Interior and was issued August 26 by the U.S. District Court in Sacramento, California. It affects portions of California, Oregon, Illinois, Missouri, and Oklahoma.

Under the Migratory Bird Treaty Act, all areas of the United States are closed to waterfowl hunting unless opened by the Fish and Wildlife Service through hunting regulations established each year. The court ruling prohibits the Service from opening the 1985-86 waterfowl season in the affected areas unless the States first approve regulations requiring the use of nontoxic shot. The court's order directs the Service to inform immediately the affected States and sportsmen of the existence of the court's injunction.

The Service is presently contacting State fish and wildlife agencies to determine if they will decide to require nontoxic shot in the areas affected by the court ruling.

The judge concluded that the mandatory use of nontoxic shot was required to prevent lead poisoning in bald eagles. Bald eagles sometimes feed on sick, crippled, or dead waterfowl and can get lead poisoning from shot embedded in the bodies of such birds.

Because of this threat to bald eagles from lead poisoning, the Fish and Wildlife Service proposed on February 13, 1985, to require nontoxic shot for waterfowl hunting in 30 counties in eight States -- Iowa, Kansas, South Dakota, California, Oregon, Missouri, Illinois, and Oklahoma. (These areas were in addition to portions of 30 States where nontoxic shot zones had already been established to prevent lead poisoning in waterfowl.)

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The Service is required by law to obtain State approval before nontoxic shot regulations can be implemented or enforced. In response to the Service's proposal, Iowa, Kansas, and South Dakota agreed to require nontoxic shot; the other five States--those now affected by the injunction--declined to approve the regulations.

On May 7, 1985, the Service issued final regulations requiring nontoxic shot in portions of Iowa, Kansas, and South Dakota. The Service also announced its intention not to open waterfowl hunting season next year in 22 counties of the five States that had declined to approve the proposed nontoxic shot regulations, unless the States agreed to require nontoxic shot next year. The Service felt the States needed time to reconsider their decisions and make necessary arrangements to facilitate the use of nontoxic shot, including ensuring that adequate supplies of nontoxic shot ammunition were available for hunters.

In June 1985, the National Wildlife Federation filed suit in the U.S. District Court in Sacramento to force the Service to require nontoxic shot in the 22 counties this year or, alternatively, not allow waterfowl hunting at all. On August 26 the judge ruled in favor of the National Wildlife Federation.

The areas where the Court decreed nontoxic shot must be required before waterfowl hunting can be permitted are as follows:

#### California

That portion of the Lower Klamath Basin (including all of Lower Klamath National Wildlife Refuge) beginning at the junction of Highway 161 (State Line Road) and the Dorris-Brownell Road at the northwest corner of Indian Tom Lake; thence south and east of the Dorris-Brownell Road as it makes a semicircle and unites again with Highway 161; thence west along Highway 161 to the point of origin at the northwest side of Indian Tom Lake. Also included is the Tule Lake National Wildlife Refuge (excluding Refuge lands on Sheepy Ridge) in the Tule Lake portion of the Klamath Basin.

#### Illinois

Henderson, Peoria, Fulton, Mason, Calhoun, Pike, Alexander, Jackson, Union, and Williamson Counties.

#### Missouri

Holt, St. Charles, Pike, and Lincoln Counties, and those portions of Chariton, Livingston, Carroll, and Linn Counties contained within the Swan Lake Goose Management Area.

#### Oklahoma

Sequoyah County.

#### Oregon

That portion of Klamath County lying west and south of a line commencing at the Oregon-California State line and proceeding along State Highways 39 and 39-140, U.S. Highway 97, and State Highway 62 to the Klamath County-Jackson County line.